



WEST FLORIDA REGIONAL PLANNING COUNCIL

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Terry A. Joseph
Executive Director

Sydney J. "Joel" Pate
Chairman

Bill Roberts
Vice-Chairman

MEMORANDUM

DATE: January 31, 2006

TO: Shana Kinsey and Debby Tucker

FROM: Terry Joseph, Executive Director
850-595-8910 Extension 206 josephht@wfrpc.dst.fl.us

RE: WFRPC #MJ745-01-11-06: Grant Application Project Description:

Minerals Management Services Advanced Notice of Proposed Rulemaking- Alternate Energy Related Uses on the Outer Continental Shelf

The Florida State Clearinghouse referred your grant application to the WFRPC Regional Clearinghouse for review. Section 4 of Gubernatorial Executive Order 95-359 provides that all federal applications which originate from non-state agencies, such as local governments and not-for-profit organizations, and which will have no significant effect on Florida's environment, are exempted from the intergovernmental coordination and review process overseen by the State Clearinghouse. Your application was referred to the WFRPC for review because the State Clearinghouse determined it meets exempted review requirements.

As required by the Executive Order, the staff of the West Florida Regional Planning Council has reviewed the above referenced proposed project under the Intergovernmental Coordination & Review Process (IC&RP) for consistency with the West Florida Strategic Regional Policy Plan (WFSRPP). **Based upon review of the information submitted, the Planning Council staff finds the proposal generally consistent with the WFSRPP, adopted July 15, 1996.** A finding of consistency with the West Florida Strategic Regional Policy Plan does not necessarily impact eligibility or obligate funding of your project. For information about the WFSRPP, please see the WFRPC's web page www.wfrpc.dst.fl.us.

<input checked="" type="checkbox"/>	Staff had no additional comments.
<input type="checkbox"/>	Please find attached staff comments.

If you have any questions concerning this communication, please refer to the WFRPC # listed above.



January 20, 2006

Ms. Shana Kinsey
Florida Department of Environmental Protection
Office of Intergovernmental Programs, Mail Station 47
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

RECEIVED

JAN 23 2006

OIP / OLGA

RE: SFRPC #06-0118, FL200601041763C Advanced notice of proposed rulemaking for Alternate Energy-related uses on the Outer Continental Shelf, Florida Department of Environmental Protection-Mineral Management Service, Miami-Dade County, Monroe County and Broward County.

Dear Ms. Kinsey:

We have reviewed the above-referenced advanced notice and have the following comments:

- The proposed project is located in proximity to Outstanding Florida Waters including Biscayne Bay National Park, and Areas of Critical State Concern, which includes the Florida Keys National Marine Sanctuary. These environmentally sensitive areas also contain coral reefs and patches, and seagrasses that are critical sources of food and habitat for a wide variety of marine life, all natural resources of regional significance designated in the *Strategic Regional Policy Plan for South Florida (SRPP)*.
- Staff recommends that the proposed project includes an analysis of 1) impacts to the natural systems and that these be minimized to the greatest extent feasible and 2) the permit grantor determine the extent of sensitive wildlife, marine life, and vegetative communities in the vicinity of the project and require protection and or mitigation of disturbed habitat. This will assist in reducing the cumulative impacts to native plants and animals, wetlands and deep-water habitat and fisheries that the goals and policies of the *SRPP* seek to protect.

The goals and policies of the *SRPP*, in particular those indicated below, should be observed when making decisions regarding the proposed alternative energy projects:

GOAL

14 Preserve, protect, and restore Natural Resources of Regional Significance.

Policies

- 14.1 Address environmental issues, including the health of our air, water, habitats, and other natural resources, that affect quality of life and sustainability of our Region.
- 14.3 Protect native habitat by first avoiding impacts to wetlands before minimizing or mitigating those impacts; development proposals should demonstrate how wetland impacts are being avoided and what alternative plans have been considered to achieve that objective.
- 14.7 Restore, preserve, and protect the habitats of rare and state and federally listed species. For those rare and threatened species that have been scientifically demonstrated by past or site specific studies to be relocated successfully, without resulting in harm to the relocated or receiving populations, and where

in-situ preservation is neither possible nor desirable from an ecological perspective, identify suitable receptor sites, guaranteed to be preserved and managed in perpetuity for the protection of the relocated species that will be utilized for the relocation of such rare or listed plants and animals made necessary by unavoidable project impacts. Consistent use of the site by endangered species, or documented endangered species habitat on-site shall be preserved on-site.

GOAL

- 16 Enhance and preserve natural system values of South Florida's shorelines, estuaries, benthic communities, fisheries, and associated habitats, including but not limited to, Florida Bay, Biscayne Bay, tropical hardwood hammocks, and the coral reef tract.

Policies

- 16.2 Protect the Biscayne Bay Aquatic Preserve (BBAP) through such measures as:
- c) Discouraging development that proposes to fill within the Bay or discharge contaminants to its waters.
- 16.3.1 Enhance and preserve coastal, estuarine, and marine resources, including but not limited to tropical hardwood hammocks, mangroves, seagrass and shellfish beds, and coral habitats.

In addition,

- Council staff generally agrees that the proposal will benefit the South Florida region and will further our goals for a more livable and sustainable South Florida. The proposed projects are particularly compatible with the *Strategic Regional Plan for South Florida's* goal and policy listed below:

GOAL

- 9 Develop clean, sustainable, and energy-efficient power generation and transportation systems.

Policies

- 9.1 Develop and implement sustainable energy conservation strategies.
- 9.2 Encourage the development of renewable, clean fuels and energy-efficient enterprises to serve our communities and national markets.

Thank you for the opportunity to comment. Please do not hesitate to call should you have any questions or comments.

Sincerely,


Carlos Andres Gonzalez
Senior Planner

CAG/kal

cc: Richard Wilkins, Broward County EPD
Lee Hefty, DERM
George Garret, Director Marine Resources Management, Monroe County

TO: Shana Kinsey
Debby Tucker

FROM: R. Sherman Wilhelm, Director
Division of Aquaculture

DATE: January 25, 2006

REF: SAI#FL200601040763C, RIN 11010-AD30, Alternate Energy-Related
Uses on the Outer Continental Shelf

Please accept our comments relative to the request by Mineral Management Service for information concerning the alternate use of existing facilities for offshore aquaculture.

The Division of Aquaculture in the Florida Department of Agriculture and Consumer Services supports the concept of allowing offshore aquaculture as an alternate use of existing facilities on the U.S. Outer Continental Shelf. Some aspects of the aquaculture industry in the U.S. are still in the development stages and access to offshore structures would provide additional and more expeditious means to generate economic and environmental impact data on offshore aquaculture in the Gulf of Mexico. There has been some applied research done in this area and the division recommends the following references.

Bridger, C. J. (ed). 2004. Efforts to Develop a Responsible Offshore Aquaculture Industry in the Gulf of Mexico: A Compendium of Offshore Aquaculture Consortium Research. Mississippi-Alabama Sea Grant Consortium, Ocean Springs, Mississippi.

Bridger, C.J. and B.A. Costa-Pierce (ed). 2003. Open Ocean Aquaculture: From Research to Commercial Reality. The World Aquaculture Society, Baton Rouge, Louisiana.

Reggio, V.C., Jr. 1996. Mariculture Associated with Oil and Gas Structures: A Compendium. 14th Information Transfer Meeting, Mariculture Sessions, New Orleans, Louisiana, November 17, 1994. U.S. Department of the Interior, Mineral Management Service, Gulf of Mexico OCS Region. OCS Study MMS 96-0050.

Stickney, R.R. and J.P. McVey. 2002. Responsible Marine Aquaculture. CABI Publishing, New York, New York.

Waldemar Nelson International, Inc. 2001. Offshore Mariculture in the Gulf of Mexico: A Feasibility Report. Louisiana Sea Grant College Program, Louisiana State University, Baton Rouge, LA

The division also recommends to MMS they review for consideration: 1)Chapter 597, Florida Aquaculture Policy Act, Florida Statutes, and Chapter 5L-3, Aquaculture Best Management Practices, Florida Administrative Code, that provides for and regulates aquatic species cultured in the Exclusive Economic Zone (EEZ) and landed in Florida.

EEZ producers would have to acquire an Aquaculture Certificate of Registration and abide by Best Management Practices that, in this instance, require acquisition and maintenance of federal licenses and permits from: U.S. Corps of Engineers, U.S. Environmental Protection Agency, U.S. Coast Guard, and National Marine Fisheries Service; and 2) 40 CFR, Parts 122, 125 and 451 where EPA has established a National Pollutant Discharge Elimination System permit for Concentrated Aquatic Animal Production and national aquaculture effluent limitation guidelines for aquaculture production systems. These sources of information clearly provide guidelines, rules, Best Management Practices, and procedures on aquaculture and its regulation. In addition, EPA compiled environmental impact information for inshore marine net pens for the purpose of developing the new effluent limitation guidelines. That information can be found in an EPA report entitled, "Technical Development Document for the Final Effluent Limitations Guidelines and New Source Performance Standards for the Concentrated Aquatic Animal Production Point Source Category (August 2004)." The report is available in the .pdf format at <http://www.epa.gov/guide/aquaculture/tdd/final.htm>.

Current environmental monitoring of offshore sea cages in Hawaii and Puerto Rican state or territorial waters by the Hawaiian and Puerto Rican Sea Grant Programs have yielded no impact on water quality beyond 30 meters from the sea cages and little to no benthic impact beyond the sea cage shadow. Given the data currently known, if MMS leases a site to a marine aquaculture facility requiring permits for navigation, water quality and species the probability that little, if any, adverse impact will occur is extremely low. Consequently, the division encourages the MMS to review the information and regulations already in place for aquaculture and consider allowing offshore aquaculture to use existing facilities. To do so would benefit our knowledge and our economy.